

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

STEVE BULLOCK, in his official  
capacity as Governor of Montana;  
*et al.*,

Plaintiffs,

vs.

BUREAU OF LAND  
MANAGEMENT; *et al.*,

Defendants.

Case No. 4:20-cv-00062-BMM

**DEFENDANTS' CONSENT  
MOTION FOR ENTRY OF  
JUDGMENT UNDER FEDERAL  
RULE OF CIVIL PROCEDURE  
58(d)**

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Defendants Bureau of Land Management (“BLM”), William Perry Pendley, in his official capacity; United States Department of the Interior; and David Bernhardt, in his official capacity (collectively “Defendants”) respectfully move that the Court enter judgment in a separate document under Federal Rule of Civil Procedure 58(d).

On September 25, 2020, the Court granted summary judgment to Plaintiffs and (1) declared that Mr. Pendley is not lawfully serving as Acting BLM Director; (2) enjoined Mr. Pendley from exercising the authority of BLM Director; and (3) enjoined Secretary Bernhardt from unlawfully delegating the authority of BLM Director. *See* Sept. 25, 2020 Order, ECF No. 25 at 34. The Court’s decision stated that Plaintiffs sought an “order and judgment” on those issues and deemed the request for such judgment and relief “appropriate.” *Id.* at 31-32. The Court subsequently issued a remedial order that further declared three resource management plans in Montana unlawful, set aside those three plans under 5 U.S.C. § 3348(d)(1) and 5 U.S.C. § 706(2)(A), and denied a motion from various *amici curiae* to file a brief in this case. *See* Oct. 16, 2020 Order, ECF No. 33 at 10. The Court has accordingly resolved Plaintiffs’ claims under the Appointments Clause, the Federal Vacancies Reform Act, and the Administrative Procedure Act against Defendants, and has granted Plaintiffs their full Prayer for Relief, with the exception of any future request for fees or costs. *See* Compl., ECF No. 1 at 29. Because there are no further issues for this Court to resolve, and because Plaintiffs have been afforded complete relief, entry of judgment at this time is appropriate. *See generally* Fed. R. Civ. P. 58; *see also Renter v. Jax Ltd., Inc.*, No. CIV. 11-331 SRN/SER, 2012 WL 639447, at \*10 (D. Minn. Feb. 28, 2012) (“In light of the

resolution of all of the claims, counterclaims and motions, entry of judgment is now appropriate.”). Defendants therefore respectfully seek entry of judgment for Plaintiffs in a separate document consistent with the Court’s September 25, 2020 and October 26, 2020 orders. A proposed order is filed concurrently with this motion.

Counsel for Plaintiffs has indicated that Plaintiffs consent to this motion, on the understanding that this Court retains jurisdiction to enforce its previous orders.

Defendants also note that their deadline to respond to the Complaint is presently October 30, 2020. *See* October 13, 2020 Order, ECF No. 32. Defendants do not wish to burden the Court with unnecessary briefing on issues already addressed by the Court’s September 25, 2020 and October 26, 2020 orders. Nonetheless, in the event the Court chooses not to enter judgment at this time, Defendants respectfully ask that their deadline to respond to the Complaint be extended to fourteen days after the Court’s resolution of this motion.

DATED this 28th day of October, 2020.

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